THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22546 OF 2005

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DATED: 19-10-2005.

Between:

Y. Eswara Reddy …Petitioner

And

The District Collector

Anantapur District and another …Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22546 of 2005

ORDER:

The grievance of the petitioner is that though he is not in arrears of any amount to any society, second respondent (election officer of the Pedda Kadapalavari Palli Primary Agricultural Cooperative Society for short the 'society') wrongly rejected his nomination on the ground that he owes some amount to the Rural Electrical Cooperative Society Ltd.(RECL).

The contention of the learned counsel for the petitioner is that though petitioner produced a no overdue certificate from the Secretary of the society and furnished a declaration that he does not owe any amount to RECL, which merged with Andhra Pradesh Power Transmission Co.(A.P. Transco) and though petitioner produced a certificate issued by the Line Inspector of A.P. Transco that no amount is due from him to the A.P. Transco, second respondent erroneously, on the influence brought on him by his opponents, rejected the nomination of the petitioner on the ground that he owes some amount to RECL, which prima facie is without any basis

and so the order of the second respondent rejecting the nomination of the petitioner is liable to be quashed.

Since rejection or acceptance of nomination is but an intermediatory stage in the election process and since this court will not usually interfere with the election process especially in matters relating to acceptance or rejection of a nomination, which can effectively be adjudicated in an election petition filed before the concerned Tribunal as held by this court in ***"A.P.SARPANCHAS ASSOCIATION AND OTHERS v. GOVERNMENT OF A.P., PANCHAYAT RAJ DEPARTMENT AND OTHERS"***, "***GUTTAKONDA KANAKA DURGA v. STATE ELECTION COMMISSIONER, GOVERNMENT OF A.P., HYDERABAD AND OTHERS"*** and by the Apex Court in ***"C. SUBRAHMANYAM v. K.RAMANJANEYULU AND OTHERS", "SRI SANT SADGURU JANARDHAN SWAMY S.D.V.SAMSTAN v. STATE OF MAHARASTRA"*** without going into the merits of the contentions raised by the learned counsel for the petitioner, the petition is liable to be dismissed.

Accordingly, the petition is dismissed with liberty to the petitioner to approach the concerned Tribunal to redress his grievance. No order as to costs.

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C.Y. SOMAYAJULU, J.

Dated: 19-10-2005.

RNS